

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BAC HOME LOANS SERVICING, L.P.,

Plaintiff,

Civil Case No. 11-10327

vs.

HON. MARK A. GOLDSMITH

WELLS FARGO, N.A., et al.,

Defendant.

ORDER ADMINISTRATIVELY CLOSING THE CASE
PENDING THE OUTCOME OF AN APPEAL

In this case, the dismissal without prejudice of Defendants Ghazi and Jamila Paul on June 14, 2012, disposed of the remaining claims in the case. 6/14/2012 Order (Dkt. 31). At the time of the dismissal of the Pauls, a motion for sanctions by Wells Fargo was before the Court, see Def.'s Mot. (Dkt. 18), which the Court ultimately denied in an order. 3/19/2013 Order (Dkt. 38). Wells Fargo then filed an appeal of the Court's order denying Wells Fargo's motion for sanctions, Notice of Appeal (Dkt. 46), although Wells Fargo's motion "to enter final order closing case, or alternatively final judgment on Count I and Count II pursuant to Rule 54(b)" remains pending on the docket. See Def.'s Mot. (Dkt. 39). The appeal may deprive this Court of jurisdiction to decide the pending motion. Lewis v. Alexander, 987 F.2d 392, 394 (6th Cir. 1993) ("As a general rule, the district court loses jurisdiction over an action once a party files a notice of appeal, and jurisdiction transfers to the appellate court."). Further, the disposition of the appeal may eliminate the need for the Court to rule on Wells Fargo's pending motion. In light of these developments, the clerk is instructed to close the case for administrative and

statistical purposes. Thereafter, any party may file a motion to reopen the matter upon the issuance of a mandate by the court of appeals in this matter.

SO ORDERED.

Dated: November 8, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 8, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager